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Report of the Special Rapporteur on the situation of human rights in Eritrea, Sheila B. Keetharuth*

Summary

The present report, submitted pursuant to Human Rights Council resolution 26/24, is based on information that the Special Rapporteur on the situation of human rights in Eritrea gathered from a variety of sources, including Eritrean refugees and migrants interviewed during field missions in 2014 and 2015. The Special Rapporteur provides an account of activities undertaken since her previous report and achievements made since she assumed her functions as the mandate holder. She also provides an update on the situation of human rights, focusing on the issue of forced evictions and demolition of houses in different parts of Eritrea. The Special Rapporteur ends the report with conclusions and recommendations to the Government of Eritrea and the international community, aimed at addressing the prevailing situation of human rights in Eritrea.

* Late submission.

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I. Introduction

1. The present report of the Special Rapporteur on the situation of human rights in Eritrea — her third report under the mandate — is submitted to the Human Rights Council in accordance with Council resolution 26/24.

2. In the same resolution the Human Rights Council established, for a period of one year, a commission of inquiry to investigate all alleged violations of human rights in Eritrea, as outlined in the reports of the Special Rapporteur. The commission of inquiry is composed of three members: Mike Smith (Chair), Victor Dankwa and the Special Rapporteur.

3. In the present report, the Special Rapporteur focuses on providing an update on the activities she has undertaken since her previous report and on salient human rights issues, as the commission of inquiry will also be presenting its report to the Human Rights Council at its twenty-ninth session (A/HRC/29/42). She also discusses forced evictions and the demolition of houses in Eritrea, while emphasizing that this is an area requiring further scrutiny, and reflects on the achievements she has made since taking up the mandate on 1 November 2012. Lastly, she provides conclusions and recommendations on the situation of human rights in Eritrea.

4. Although the Special Rapporteur would have preferred to collect first-hand information on the situation of human rights in country, she had no other option but to gather material through alternative means, as she still does not have access to the country. The Special Rapporteur conducted field visits, interviewed refugees, migrants and other stakeholders and analysed the submissions that she received in the preparation for the present report.

5. In the course of her work, the Special Rapporteur has come across numerous reports of human rights violations committed along migration routes against Eritrean victims and survivors who were on the move as migrants, asylum seekers and refugees. Those human rights violations form part of a broader continuum of violations that are committed within the country, as many Eritreans find themselves outside the country as a consequence of human rights violations they suffered in Eritrea.

II. Challenges faced in the implementation of the mandate

6. During the period under review, the Special Rapporteur held two independent mandates of the Human Rights Council simultaneously: the special rapporteurship and membership in the commission of inquiry. In undertaking those mandates, the Special Rapporteur sought to ensure that the integrity of both was maintained; while she encountered practical challenges arising out of this delicate situation, nothing compromised one or the other. Furthermore, the Human Rights Council's decision on the coexistence of both mandates ensured that a focus on the human rights situation in Eritrea was maintained despite the taxing workload burden placed upon the mandate holder.

7. During the current reporting period, the Special Rapporteur had one opportunity to meet with Eritrean diplomats for discussions. She would like to thank the Permanent Representative of Eritrea to the United Nations in New York, Girma Asmerom, for the exchanges they had on 29 October 2014. The Special Rapporteur agreed with Mr. Asmerom that constructive dialogue was indeed required to advance the human rights agenda in Eritrea. However, she stressed that Eritrea could not selectively pick and choose which United Nations human rights mechanisms it would cooperate with. The Special

Rapporteur is still looking forward to an opportunity to visit Eritrea at the invitation of the Government.

8. The Special Rapporteur would also like to thank the numerous Eritreans who have offered valuable information to enable her to prepare her reports and advocate for the improvement of the human rights situation in the country. She appreciates their courage to speak with her despite the real possibility of reprisals against themselves and their families in Eritrea.

III. Activities of the Special Rapporteur (July 2014–May 2015)

A. Visit to Italy

9. The Special Rapporteur conducted a five-day mission to Italy from 22 to 26 September 2014, to collect first-hand information from refugees and migrants, many of them very young, about human rights violations in their home country. Several of those she spoke with had arrived in Italy after braving unimaginable dangers along escape routes in the desert and at sea. The Special Rapporteur met with government officials, parliamentarians, members of civil society and other stakeholders in the diaspora. Her findings and conclusions confirmed widespread and systematic human rights violations as a trigger for the massive flight of Eritreans from all walks of life from their home country.

B. Briefing to the Third Committee

10. The Special Rapporteur presented a briefing to the Third Committee on 28 October 2014, at the sixty-ninth session of the General Assembly, her second briefing to the Committee since she took up the mandate. The Special Rapporteur informed the Committee about the following: the persisting challenges in the implementation of her mandate; the generally unchanged human rights situation in Eritrea, resulting in mass departures of 4,000 people per month, some very young, seeking refuge outside their country; the main driver of the outflow, which remained the indefinite nature of national service and violations in the context of that service; poor respect for civil and political rights; and the deterioration in the enjoyment of economic, social and cultural rights by those who remain in Eritrea, many of whom, according to several testimonies collected, are dependent on the support of relatives and friends from the diaspora.

C. Visit to Belgium

11. The Special Rapporteur conducted an official visit to Belgium from 9 to 11 March 2015, where she met with Eritrean refugees, migrants and other actors in the diaspora. The main aim was to collect first-hand and up-to-date information on the situation of human rights in Eritrea and to corroborate allegations of human rights violations in the country as contained in reports the Special Rapporteur received from different sources. She also met with government officials and civil society interlocutors.

D. Address to the European Parliament Subcommittee on Human Rights

12. The Special Rapporteur participated in an exchange of views on Eritrea at the invitation of the European Parliament Subcommittee on Human Rights on 17 March 2015.

As the main speaker, the Special Rapporteur briefed the members about the serious human rights situation in Eritrea, which is causing a stream of refugees to leave the country.

E. Participation at the fifty-sixth ordinary session of the African Commission on Human and Peoples' Rights

13. The Human Rights Council has encouraged special procedures mandate holders to establish and maintain contacts with regional human rights mechanisms working on issues related to their mandate to ensure exchanges of information, coordination and mutual support in common areas of work.[1] In addition, in January 2012, the special procedures mandate holders of the Council and of the African Commission on Human and Peoples' Rights adopted a road map to enhance their collaboration following a meeting in Addis Ababa. They agreed to regularly and systematically exchange information, consider joint actions, including country visits, public statements, press releases and awareness-raising occasions, and participate in each other's events and thematic research.[2]

14. In the light of the foregoing, the Special Rapporteur attended the opening ceremony and the first three days of the fifty-sixth ordinary session of the Commission, which was held in Banjul from 21 April to 7 May 2015.

15. The Special Rapporteur also participated in a panel discussion on freedom of expression in Eritrea on 21 April 2015, during which the plights of the 18 journalists arrested in September 2001 and other journalists were highlighted. Following the panel discussion, the Commission's Special Rapporteur on Freedom of Expression and Access to Information in Africa launched a report entitled *The Erosion of the Rule of Law in Eritrea: Silencing Freedom of Expression*.[3] The authors of the report deplored the state of freedom of expression specifically, and the rule of law generally, in Eritrea. The Special Rapporteur also took the opportunity to brief different special mechanisms of the Commission on the human rights situation in Eritrea.

IV. Updates on the situation of human rights in Eritrea

A. Coming into force of new laws

16. The Special Rapporteur would like to commend the Government of Eritrea for the coming into force of the following laws: the Civil Code, the Penal Code, the Code of Civil Procedure and the Code of Criminal Procedure. Those laws had remained in "transitional mode" since de facto independence in 1991.[4]

17. The Civil Code is the general law that governs persons and family relations, as well as property rights, obligations and contracts, and extra-contractual liability in Eritrea. For example, it regulates marriage, including the minimum age of marriage and the compulsory nature of registering marriage contracts. The Code of Civil Procedure is a procedural law that sets out the rules and standards that courts use in the adjudication of civil cases.

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[1] Manual of Operations of the Special Procedures of the Human Rights Council (2008). Available from www.ohchr.org/EN/HRBodies/SP/Pages/Introduction.aspx.

[2] See www.ohchr.org/Documents/HRBodies/SP/SP_UNHRC_ACHPRRoad%20Map.pdf.

[3] See www.pulp.up.ac.za/pdf/2015_01/2015_01.pdf.

[4] See www.shabait.com/news/local-news/19792-goe-puts-into-effect-civil-and-penal-codes-and-associated-procedures.

18. The Penal Code governs all areas of law that fall under the broader categorization of criminal law, containing definitions and elements of crimes, as well as prescribed punishments. In the context of the human rights landscape in Eritrea, the Code of Criminal Procedure perhaps bears extra significance. In addition to governing court proceedings emanating from contraventions of the penal code, it provides safeguards for individual rights and freedoms during criminal proceedings. Eritrean lawyers call it a "mini-constitution".

19. Having documented and reported on arbitrariness, especially in relation to arrests and detention in Eritrea, the Special Rapporteur had anticipated that the long overdue coming into force of the Penal Code and the Code of Criminal Procedure would bring consistency and uniformity to the application of the law and an element of certainty. However, these crucial laws have come into force in a context of constitutional void, since the 1997 Constitution, publicized as the supreme law of the land, remains unimplemented and is now subject to a constitutional review process, the modalities of which remain unclear.[5] Additionally, the new codes were promulgated in the absence of a functioning legislature, the existence of which would support the achievement of a separation of powers between the executive, the legislature and the judiciary. Under such separation of powers — a basic tenet of the rule of law (see S/2004/616, para. 6) — distinction is made between the functions of government, in particular with respect to the passing, interpretation, adjudication and enforcement of laws.

B. Urgent appeal

20. On 18 June 2014, the Working Group on Arbitrary Detention, the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the situation of human rights in Eritrea, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment sent an urgent appeal to the Government of Eritrea regarding the alleged arrest and arbitrary detention of the former Ambassador of Eritrea to Nigeria, Mohammed Ali Omaro. According to the information received (see A/HRC/28/85, p. 14), on 29 April 2014, security personnel in plain clothes arrested Mr. Ali Omaro in Asmara and took him to an unknown location, where he is being detained incommunicado. He has been denied family visits and access to a lawyer and to a doctor, despite his serious heart condition and urgent need for regular medication and medical care. It is reported that he has not been formally charged and has not been brought before a judge. The reasons for his arrest and detention are unknown, but it is believed that his detention is politically motivated. No response has been received to date.

C. Review of Eritrea by the Committee on the Elimination of Discrimination against Women

21. The Committee on the Elimination of Discrimination against Women reviewed the fourth and fifth periodic reports of Eritrea (CEDAW/C/ERI/5) at its sixtieth session, in

[5] The President of Eritrea announced in May 2014 that Eritrea would go through a constitution-drafting process to adopt a new constitution. The Special Rapporteur holds the view that the 1997 Constitution came out of a widely participative process; the immediate implementation of the Constitution would not exclude a drafting process to align it with current international human rights standards, which may take several years, but would, in the meantime, give constitutional protection to all Eritrean citizens, eliminating the pervasive element of arbitrariness in the enjoyment of fundamental rights and freedoms.

February 2015. Eritrea was commended for undertaking legislative reforms, in particular the adoption of Proclamation No. 158/2007 to abolish female genital mutilation/cutting. On the other hand, the Committee highlighted that it considered the indefinite period of national service, the ineffective implementation of the Constitution of 1997 and the suspension of the National Assembly as having contributed to the deterioration of the rule of law and a serious refugee crisis, which posed a challenge to the implementation of the Convention. The Committee recommended, among other things, the discontinuation of the indefinite period of national service and the forced enrolment at the Sawa Military Training Centre, and recognition of the right to conscientious objection (see , paras. 4, 6 and 9).

D. Review of Eritrea by the Committee on the Rights of the Child

22. The Committee on the Rights of the Child reviewed the fourth periodic report of Eritrea (CRC/C/ERI/4) at its sixty-ninth session, in May 2015. The Committee welcomed the adoption of the new civil procedure and penal procedure code, the formulation of a new national policy on children and a comprehensive policy on disabilities, the criminalization of female genital mutilation, and progress in achieving the health-related Millennium Development Goals. The Committee was, however, concerned about the absence of data and systematic child impact assessments in the formulation of laws and policies, the absence of an independent monitoring body, the prevalence of early child marriage and teenage pregnancies as ways to avoid conscription into military service, the shoot-to-kill policy at the border for persons, including children, who cross illegally, the torture and detention faced by unsuccessful child asylum seekers and other child returnees, and the impediments affecting access to birth registration.

E. Refugees and migrants

23. The Office of the United Nations High Commissioner for Refugees (UNHCR) reported that in the first 10 months of 2014, the number of Eritrean asylum seekers arriving in Europe nearly tripled, from 13,000 the previous year to 37,000.[6] It has also noted that in 2015, by April, 5,388 Eritreans, including 604 unaccompanied minors, 157 accompanied minors and 1,105 women, had arrived in Italy by boat, surviving the dangerous journey across the Sahara desert and then across the Mediterranean Sea. In 2014, Eritreans were the second largest group, after Syrians, apprehended at European Union external borders trying to enter in an irregular manner and the second largest group of asylum seekers in the European Union.[7] The number of Eritrean refugees in the Sudan and Ethiopia transiting southwards towards South Sudan or westwards towards Libya has been increasing. Fatalities in the Mediterranean continue, and UNHCR estimates that there have already been over 1,800 fatalities in 2015. The deadliest incident recorded to date occurred on 19 April 2015, when more than 800 people died, including about 350 Eritrean migrants and refugees;[8] there was a total of 3,500 deaths in 2014.[9] These figures have grown

[6] UNHCR, "Sharp increase in number of Eritrean refugees and asylum-seekers in Europe, Ethiopia and Sudan." Briefing Notes, 14 November 2014. Available from www.unhcr.org/5465fea1381.html.

[7] European Commission, Questions and Answers: Smuggling of Migrants in Europe and the EU Response, fact sheet. Available from http://europa.eu/rapid/press-release_MEMO-15-3261_en.htm.

[8] UNHCR, "Mediterranean boat capsizing: deadliest incident on record". Briefing Notes, 21 April 2015. Available from www.unhcr.org/553652699.html.

[9] UNHCR, Central Mediterranean Sea Initiative Action Plan. Available from www.unhcr.org/531990199.pdf.

exponentially since the Special Rapporteur started presenting such data to the Human Rights Council.

24. To stem the exodus, a more holistic approach is required, which looks at long-term solutions that place human rights as the nucleus while creating new opportunities for all, in particular for young people. As the Special Rapporteur has indicated previously, the international community needs to expand channels of legal migration to reduce irregular migration in order to counter human smuggling and trafficking, while treating victims humanely (see A/HRC/23/53, para. 108 (c)).

F. Unaccompanied minors

25. The plight of unaccompanied Eritrean minors crossing international borders is becoming increasingly visible, revealing a population characterized by its heightened vulnerability. Eritrean minors, usually males between 12 and 17 years of age, manage the journey across the borders into neighbouring countries, and then through the desert and across the Mediterranean Sea. On reaching Italy, many keep moving north.

26. In 2013, the Special Rapporteur met hundreds of those unaccompanied minors in a refugee camp across the border from Eritrea; she met a few further afield in Tunisia, and some in Milan, Italy, in September 2014. At risk of falling prey to many forms of abuse, including sexual, economic and criminal, these minors represent a group with special protection needs. Since her first encounter with children in such situations, she has continued to bring their predicament to the attention of the international community.[10]

27. In conversations with unaccompanied Eritrean minors, the Special Rapporteur tried to understand why they were on the move. The reasons they provided included the following: (a) fear of forced conscription into the national service, with a high number of children leaving before their recruitment, thus accounting for the majority of young males between 12 and 17 years of age; (b) avoidance of the *giffas*, or round-ups, before forceful recruitment into the military, especially in the cases of those who were less academically able; (c) hopelessness, as they envisaged a life with no prospects other than the military, since most of them had older siblings and even a parent or other family members serving; (d) family disintegration; (e) difficulties faced by child-headed households in the long absence of parents who were either away in the military service, incarcerated or in exile; (f) fears of facing the same ordeal as their parents, in particular among those who witnessed their parents being incarcerated on the basis of their religious affiliation; (g) lack of educational opportunities; (h) desire to follow friends, and peer pressure, as their role models had left already; and (i) desire to join family members already abroad.[11]

28. The consequences of these risky journeys across international borders, the desert and the sea are too dire to bear and the impact on unaccompanied minors could be everlasting, leaving them scarred for life. They are exposed to new threats along the way, which are even more horrendous than what they have already been subjected to.[12]

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[10] See A/HRC/23/53, para. 72; Office of the United Nations High Commissioner for Human Rights (OHCHR), "We know how many Eritrean children reach Europe on their own, but not how many die trying – UN Expert", press release, 28 October 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15231&LangID=E.

[11] Parents who had left young children behind a few years before when they fled were making arrangements, financial and other, for reunion with their children.

[12] The Special Rapporteur received reports that five Eritrean children, who had been held captive by the Islamic State in Iraq and the Levant but managed to escape, were allegedly eyewitnesses to the recent

G. Trafficking in persons, including children

29. The Special Rapporteur has been concerned about Eritrean refugees, asylum seekers and migrants, and those whose fate are in the hands of smugglers and traffickers when they escape or are coerced into fleeing from their country. She has consistently raised concerns about their plight (see A/HRC/23/53, paras. 91–94), noting that the primary responsibility of States is to ensure that all border governance measures protect the rights of all persons to leave and enter their own country any time. Irregular migration, human smuggling and trafficking in persons should not adversely affect the dignity of the populations concerned and their enjoyment of human rights.

30. Furthermore, the best interests of the child should take precedence over migration management objectives and other administrative considerations.[13] The core obligations of States with respect to the rights of victims of trafficking include the duties to identify victims of trafficking, to provide immediate protection and support and to provide legal assistance, including temporary residency and non-criminalization of victims.[14]

31. Children can easily fall prey to unscrupulous traffickers. In 2013, the case of two boys, then aged between 12 and 14, who were kidnapped from Guluj, a town in Gash-Barka, Eritrea, and taken to the Sinai, was brought to the attention of the Special Rapporteur. Her follow-up investigations did not reveal much, until earlier in 2015, when she met with a witness who had also been kidnapped from Eritrea and taken to the Sinai; the latter reported having been held captive with two boys from Guluj who had also been "taken and sold for ransom money".

V. Forced evictions and the right to housing

32. Threats to the right to adequate housing posed by forced evictions have been amplified in Eritrea since the beginning of 2015.[15] Forced evictions represent an ongoing practice: the authorities have bulldozed scores of houses, directly affecting hundreds of households. In this section of the report, the Special Rapporteur examines the international, regional and national frameworks on the right to housing, which derives from the right to an adequate standard of living, and their application in the current context of housing demolitions in Eritrea and the achievement of the Millennium Development Goals.

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beheading of Christians by the Islamic State in Iraq and the Levant in Libya. If that were to be confirmed, the protection needs of unaccompanied minors taking such death-defying journeys to reach the shores of Europe would become a priority. For additional information, see www.ibtimes.co.uk/i-watched-isis-beheading-christians-eritrean-teen-migrant-forced-witness-libya-massacre-1497874.

[13] See the recommended principles and guidelines on human rights at international borders prepared by OHCHR. Available from www.ohchr.org/Documents/Issues/Migration/A-69-CRP-1_en.pdf.

[14] Ibid.

[15] In the present document, forced eviction is understood as involving "the involuntary removal of persons from their homes and land, directly or indirectly attributable to the State". (OHCHR, Factsheet No. 25: Forced Evictions and Human Rights, p. 4). Forced evictions can, under certain circumstances and subject to specific conditions, be consistent with international human rights standards. Such evictions can be classified as "legal evictions". This distinction, however, must be interpreted in a very narrow sense, on a case-by-case basis. In all circumstances, the practice of eviction without consultation or adequate alternatives and compensation is illegal under international law.

A. Relevant international obligations and national legislation

1. International human rights law and forced evictions

33. The Universal Declaration of Human Rights provides for the right to an adequate standard of living, which includes the right to housing. Eritrea subscribes to the Declaration by virtue of its membership in the United Nations. The right to adequate housing is of central importance for the enjoyment of all economic, social and cultural rights.

34. The right to adequate housing is also established in the International Covenant on Economic, Social and Cultural Rights. In its general comment No. 4 (1991), the Committee on Economic, Social and Cultural Rights provided further interpretation of that right. Eritrea is a State party to the Covenant, bound by its provisions and subject to the persuasive interpretation thereof by the Committee. The Committee has noted that forced evictions represent violations of the right to adequate housing and shelter, and may result in violations of other related rights, such as the rights to life, to security of the person, to non-interference with privacy, family and home, and to the peaceful enjoyment of possessions;[16] are prima facie incompatible with the Covenant; and can be justified only in the most exceptional circumstances, and in accordance with the relevant principles of international law,[17] which include the general principles of reasonableness and proportionality.

35. In its general comment No. 7, the Committee also observed that States parties had a duty to refrain from carrying out forced evictions and to enforce the law against their agents and third parties who carry out forced evictions, noting that the fulfilment of that obligation was not qualified by considerations relating to a State's available resources. The Committee also reiterated the need for consultation with affected communities and the exploration of all feasible alternatives prior to any evictions. Adequate compensation and effective remedies needed to be provided for those whose rights were violated. Appropriate procedural protection and due process should be respected and guaranteed in practice when forced evictions are carried out. In any event, forced evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights. The Committee underscored that the State had the duty to take all appropriate measures to provide adequate alternative housing, resettlement or access to productive land, where necessary.

36. The basic principles and guidelines on development-based evictions and displacement is a comprehensive document developed by the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context (E/CN.4/2006/41, appendix). It covers general obligations, including with respect to duty bearers and the nature of the obligations, basic human rights principles, the implementation of State obligations, and preventative strategies, policies and programmes. It sets out standards and procedures to be followed prior to, during and after evictions, as well as remedies for forced evictions, including compensation, restitution and return, and resettlement and rehabilitation. The guidelines extend to all persons affected by evictions whether or not they hold title to the land they occupy, and stipulates that it is immaterial whether persons evicted hold title to the land — they must be compensated for their lost property.

37. In its communication 155/96,[18] the African Commission on Human and Peoples' Rights incorporated the substance and jurisprudence of international human rights law on

[16] See general comment No. 7 (1997), para. 4.

[17] See general comment No. 4, para. 18.

[18] *Social and Economic Rights Action Centre (SERAC) and Center for Economic and Social Rights (CESR) v. Nigeria.*

the prohibition of forced eviction into the implied right to adequate housing set out in the African Charter on Human and Peoples' Rights. In exercise of its mandate under article 45 (3) to interpret the provisions of the Charter, the Commission has read the right to shelter and housing into the Charter. The Commission held, in paragraph 60 of the communication, that:

> Although the right to housing or shelter is not explicitly provided for under the African Charter, the corollary of the combination of the provision protecting the right to enjoy the best attainable state of mental and physical health, cited under Article 16 above, the right to property, and the protection accorded to the family forbids the wanton destruction of shelter because when housing is destroyed, property, health and family life are adversely affected. It is thus noted that the combined effect of Articles 14, 16 and 18 (1) reads into the [African] Charter a right to shelter or housing which the Nigerian Government has apparently violated.

2. National legislation

38. In the Eritrean context, the right to adequate housing, as provided for in article 11 (1) of the International Covenant on Economic, Social and Cultural Rights, is better understood against the backdrop of the country's post-independence land law: the Land Proclamation[19] and Legal Notice 31/1997. In accordance with the Proclamation, land is the exclusive property of the State; the sale, transfer and mortgaging of land is prohibited. While an individual citizen has only usufruct rights over land, these land reform legislations allowed the Government to allocate land through leaseholds. Thus, every Eritrean citizen was given the right to be allocated a plot of land for housing in urban areas and ancestral villages, once the necessary criteria were met, including national service duties.

39. The Proclamation stipulates that the Government or appropriate body shall have the right and power to expropriate land from usufructuaries for the purposes of various development and capital investment projects aimed at national reconstruction or other similar purposes. The expropriation is subject to the approval of the Office of the President or a body delegated by the President and cannot be appealed in court. However, without a clear definition of the purposes, recognition of applicable human rights standards, reference to prior notification, legal recourse for disputing land expropriation, recognition of the need to find alternatives, especially in situations where people are rendered homeless or vulnerable, and a process of transparency and participation,[20] among other things, the practice of land expropriation has been rampant and arbitrary in Eritrea.

40. An unforeseen side effect of the above legislation was that it created obstacles in the housing industry, with far-reaching consequences for the enjoyment of the right to housing. One of the challenges was that the land delivery system was unable to respond speedily to the need for housing land and the demand for housing by far exceeded supply.[21] Thus, there was a strain on the system, which according to reports, were interpreted as the Government reneging on its promise to allocate land to every citizen. In situations where distribution of land did take place, many thought that it happened through an opaque process, replete with

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[19] Proclamation No. 58/1994.

[20] See Food and Agriculture Organization of the United Nations, *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security* (Rome, 2012). Available from www.fao.org/docrep/016/i2801e/i2801e.pdf.

[21] Eritrea, Ministry of Public Works/Department of Urban Development, the United Nations Human Settlements Programme (UN-HABITAT) and the United Nations Development Programme (UNDP), "Eritrea: housing/urban development policy report", July 2005.

corrupt practices. One interviewee had the following to say, which reflects the views of many:

> The policy for allocating land and construction of houses is problematic and inconsistent for the lay person. Government gives you land and you need to get permission to build. After waiting for [a] long [time], some people try to build without the permission of Government and at some point the Government will come and tell them to discontinue construction or destroy the houses. On the other hand, some officials are building houses without any Government intervention. It is not clear what the process is for getting permission to build and when you ask, they always blame it on the higher officials. It is only when you finish building that they intervene.[22]

41. Other factors compounded the problem, including poor governance, mismanagement and lack of clarity within institutional structures. In the mid-2000s, there was a major purge in the construction industry, with architects, building contractors and other skilled workers arrested and tried for corruption. This preceded a takeover of the construction industry by construction companies owned by the People's Front for Democracy and Justice, the ruling party in Eritrea. Those companies remain the sole providers of cheap labour, sourced from the national service, and the most important marketers of building materials, sold at prohibitive prices.

42. Added to this, the significant backlog of applications for land to build houses is creating a deep crisis, particularly in the capital and other major towns. While Eritrean citizens who have complied with their national service obligations could be allocated a plot of land, the land law imposed on them a requirement to develop the land and erect a building within a strict time frame, after obtaining a building permit, at the risk of repossession if the requirements were not strictly complied with. And yet, since the mid-2000s, the authorities have delivered very few building permits, putting many of those who obtained a plot of land to build a home in a situation where it was impossible to comply with the law. People found themselves in a paradoxical situation where they had a plot of land, no building permit, with repossession hanging like a sword of Damocles over their heads.

43. Furthermore, many private individuals who were given access to land on the basis of usufruct rights did not have the requisite resources to construct residential houses within the required time frame. One issue identified as problematic was that existing land-use standards were high; it has been suggested that those standards could be lowered to increase the number of plots delivered, thus bringing down the costs of development, which are linked to plot size, and consequently making a house more affordable to low-income households.[23]

44. While a limited number of households were able to get bank loans, a significant percentage of individuals financed their homes themselves, built incrementally or built with remittances from Eritreans living abroad.[24] To alleviate their housing problem, many individuals resorted to the practice of "selling" some part of the land allocated to them. The main motive was that, using the proceeds of such a "sale", they could build a house for themselves in the remaining "unsold" part of the land originally allocated to them. Many argue that building a house would not otherwise have been possible, given the economic

[22] Interview conducted by the Special Rapporteur during the period 9 March to 25 May 2015.

[23] See Eritrea, UN-HABITAT and UNDP, "Eritrea: housing/urban development policy report", p. IV.

[24] Centre for Affordable Housing Finance in Africa, *Housing Finance in Africa: 2014 Yearbook* (2014), pp. 71–74. Available from www.housingfinanceafrica.org/document/housing-finance-in-africa-2014-yearbook.

context created by a depressed economy with limited avenues for income generation and the prohibitively high cost of building materials. The practice became widespread, since, for many, other means of financing the construction of a house were limited, given that they could not offer the land as collateral to obtain a loan. One of the problems generated by this practice, was that, while it was frowned upon, individuals could "sell" to people who had not completed their national service duties or paid their 2 per cent diaspora tax.

45. Many private houses built in Eritrea in the past 20 years were financed as described above. The Government, considering the practice to be "illegal sale of land", threatened for several years to demolish houses built in such a manner. While none of those houses were built without the knowledge of the authorities, bulldozers were sent to raze the dwellings.

B. Right to housing and the impact of forced evictions

46. The lack of availability of adequate and affordable social housing continues to be problematic in Eritrea, a country facing a grave housing and urban development challenge. The successive movements of refugees and internally displaced persons over the years have caused severe housing shortages. Following the achievement of de facto independence, after 30 years of liberation struggle, Eritreans returning from refugee camps and other locations faced a severe scarcity of houses, particularly in urban areas. During the Eritrea-Ethiopia border conflict, from July 1998, the Ethiopian authorities summarily arrested, and left at the border, an estimated 70,000 ethnic Eritreans almost overnight, forcibly returning them to Eritrea. Eritrea drove out an almost equal number of Ethiopians who had been residing on its territory. An estimated 100,000 homes were destroyed and 450,000 Eritreans displaced. These movements and influxes of people and destruction of houses compounded the problem, thus affecting negatively the exercise of the right to adequate housing in Eritrea.

47. The housing problem persisted, as the recent demolition of houses and forced evictions confirmed. In 2005 it was estimated that by 2015 about 5,000 new dwelling units would be required annually in Asmara alone, in sharp contrast to the estimated 1,500 houses that were being built annually at the time of the estimate.[25] The shortage is concentrated in the low-income housing market, affecting the majority of the population, especially those in the national service. The high cost of construction is a major impediment generally, but more particularly in the social housing market.

48. By resorting to evictions and demolitions, the Eritrean authorities demonstrated that they were reluctant to create the necessary conditions to expand access to adequate social housing, while prioritizing the construction of higher end residential complexes.[26] Additionally, many reports allege that the demolitions were in part a form of retribution for several popular actions, including against groups that recently resisted the call for military training within the national service and the people's militia.[27]

49. The official reasons provided for the demolitions were that the houses had been built in contravention of the rights attached to plots allocated for the purpose of building a

[25] Eritrea, UN-HABITAT and UNDP, "Eritrea: housing/urban development policy report".

[26] "Eritrea's quiet construction boom", Madote.com. Available from www.madote.com/2014/04/eritreas-quiet-construction-boom.html. The Asmara housing pilot project being developed in the Sembel, Halibet and Space 2001 districts consists of 1,680 homes and shops, and is reported to be the largest modern housing infrastructure project in the Horn of Africa. Houses range in size from 30 to 200 square metres. The prices range from US$ 22,744 for a 20 m^2 apartment to US$ 142,742 for a 200 m^2 house, all prohibitively out of reach for most Eritreans.

[27] Interviews conducted by the Special Rapporteur during the period 9 March to 25 May 2015.

dwelling unit, with building permits obtained illegally or without the necessary building permit, or that the land had been reassigned, which had rendered the individual's use illegal.

50. In many instances, the homes had been built over many years and had cost the entire life savings of those who had invested in them on the assumption that matters would be formalized at a later point, for example, after the payment of fines imposed by the relevant authorities, given that authorities had delivered only a few building permits since 2006. Even in situations where renovations were undertaken due to wear and tear, residents faced problems, as pointed out by one interlocutor:[28]

> If part of an old building needs to be renovated or to be fixed, they consider that you are building afresh and punish you as if you are building a new house. If they think you have built without permission, you don't get any warning, your house gets marked with a sign and they send military personnel to destroy your house without any warning. They also can also ask you to demolish your own house and if you don't they do it themselves and ask you to pay for the cost of demolition.

1. Forced evictions and their impact

51. The Special Rapporteur has received information concerning recent demolitions of approximately 800 houses in Asmara, in several other villages in the vicinity of Asmara and in other towns, such as Adi Keyh, in the southern part of the country. About 3,000 people were made homeless owing to the forced evictions and demolitions.[29] With relatives and friends giving refuge to those evicted, an already serious problem of overcrowded housing with limited access to affordable water and safe sanitation has been exacerbated. Many of those evicted have gone back to their villages or to the outskirts of their towns, in the hope of being able to afford shelter.

52. Residents protested that the evictions had been carried out without appropriate and adequate notice. After threatening to demolish the dwellings, the authorities simply moved in and residents were left in a state of fear as officials marked their houses with crosses before pulling the structures down. Military personnel carried out the evictions with heavy equipment (bulldozers and other construction equipment), engaging in egregious brutality and violence against anyone who stood in the way of the demolition, thus forcing many of those affected to become bystanders as their homes were demolished.

53. In the case of Adi Keyh, town residents opposed the demolition and eviction plan fiercely, leading to physical confrontations between high-school children and the military. The Special Rapporteur received reports that at least two people who stood in the way of the military to save their homes were allegedly killed on 5 March 2015.[30] A dozen high school students were taken into custody when they tried to stop the demolitions and because of their participation in the protests. In other cases, residents were forced to scramble to protect their few possessions as the bulldozers relentlessly crushed everything in their path. There is little evidence that the State authorities took any proactive measures to inform those facing eviction of the demolitions. The impact has been greater on more vulnerable groups of society, including women, children and the elderly.

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[28] Ibid

[29] The figures represent conservative estimates collated from different sources provided by human rights defenders, as the authorities have not made any official statistics available regarding the number of houses torn down, the number of people displaced, the number of people injured and the number of those who lost their lives during the evictions.

[30] There are conflicting reports regarding the number of people who were killed or injured in the process of demolition by the military. The authorities have not published any official statistics.

54. The houses demolished in Adi Keyh were considered easy targets, because at the time the evictions took place, a larger proportion of women were at home and in charge of the property and well-being of their families, as most of the men were away on national service duties or in exile. In one instance, a victim who was diabetic collapsed and was almost incapacitated after watching her house be demolished. The military was brutal while carrying out the demolitions, magnifying the terrible shock suffered by the women. Moreover, the women's precarious situation was exacerbated through depressing news about their family members and loved ones undertaking death-defying journeys across the desert and the sea.[31]

55. Those who were evicted had to move far away from their sources of livelihood. For many, the idea of having to rebuild their homes is distressing, because of the precarious security of tenure. The destruction of housing and shelter through forced evictions has a chain effect on other rights, which end up being violated in the process and aftermath of forced evictions, including the rights to life, to security of the person, to privacy and to freedom of expression and association, among others.

56. The harrowing reports of victims of the forced evictions reveal distressing tales of serious violations of the fundamental human rights. Many of those evicted have been left homeless and destitute and have been pushed further into poverty, with little or no recourse to any remedy. The evictions were carried out without court orders, due process, legal protection or redress and people were hesitant to contemplate legal action, because of their lack of confidence in the justice system. In addition, children's education has been disrupted.

57. In summary, the testimonies collected by the Special Rapporteur point to a situation in which: there was little or no dialogue with those affected by the forced evictions; the authorities demonstrated a lack of respect for the fundamental rights of those who were evicted, which in the town of Adi Keyh caused loss of life; there was a lack of any attempt to develop solutions that minimized the scale of evictions and the disruption caused to those who were forced from their homes; excessive military force was used during the evictions and to repress protests, flouting the principle of proportionality in relation to such actions; and the authorities ignored the gendered aspect of the evictions, with women disparately affected.

2. Forced evictions and the achievement of the Millennium Development Goals

58. The forced evictions described above are in contradiction with and an obstacle to the realization of the Millennium Development Goals, especially since an assessment of those goals and targets is under way.[32] First, forced evictions render the most insecure households, particularly slum dwellers, even more impoverished, contrary to target 7 (d), which is to achieve, by 2020, a significant improvement in the lives of at least 100 million slum dwellers. Consequently, forced evictions significantly hamper the realization of Goal 1, which focuses broadly on eradicating extreme poverty and hunger, including target 1 (a), namely, to halve the proportion of people living on less than one dollar a day. Forced evictions also curtail access to employment, which impedes the achievement of target 1 (b), aimed at achieving full and productive employment and work for all, including women and young people. Children's education is also affected as a result of forced evictions, hampering the achievement of Goal 2 on achieving universal primary education.

[31] Interviews conducted by the Special Rapporteur during the period 9 March to 25 May 2015.

[32] See UN-HABITAT, *Forced Evictions, Global Crisis, Global Solutions*, pp. 26–27.

59. Another serious effect of forced evictions is that they often increase or exacerbate gender inequality, whereas Millennium Development Goal 3 is aimed at promoting gender equality and empowering women. Forced evictions also lead to poor health, as they negatively affect the underlying determinants of health, which include adequate housing; this hampers the achievement of Goals 5 and 6, namely, to improve maternal health and to combat HIV/AIDS, malaria and other diseases. Eritrea is generally noted as being on target to achieving Goal 4, on reducing child mortality, and Goals 5 and 6.[33]

60. Significantly, for target 7 (d), in respect of improving the lives of slum dwellers, the indicator was the proportion of households worldwide with access to secure tenure.[34] Simply put, security of tenure acts as a legal protection against forced evictions for tenants or leaseholders. The importance of secure tenure in the realization of the Millennium Development Goals was also highlighted by the Millennium Project Task Force on Improving the Lives of Slum Dwellers when it declared that "meeting this challenge requires a plan for security of tenure, affordable access to land, basic services, and housing finance".[35]

VI. Achievements since the establishment of the mandate

61. The present report is the third submitted by the Special Rapporteur while delivering on her mandate. It is therefore timely to look back in order to move forward, especially at this current juncture, given the recent submission to the Human Rights Council of the report of the commission of inquiry on Eritrea.

62. In her first report, the Special Rapporteur indicated that her approach to the mandate would be prudently optimistic, firm and bold, and that it would be incremental: she would first lay the foundation and then the building blocks for the full respect of international human rights law by the Government of Eritrea and the enjoyment of all human rights by all Eritreans.

63. Over the past three years the Special Rapporteur has devoted considerable time and effort to open up channels of communication with the Government of Eritrea. There has been no progress regarding her access to the country to conduct human rights-related investigations. Additionally, very little progress was recorded regarding dialogue on substantive human rights issues. Notwithstanding her inability to visit Eritrea, the Special Rapporteur has had sporadic opportunities for contact with the Eritrean representatives, and has continued to seek collaboration with the authorities to identify issues relating to human rights violations and mutually work on long-lasting remedial solutions.

64. To deliver on the mandate entrusted to her, the Special Rapporteur has concentrated on three priority areas and related action points that can serve as benchmarks to evaluate progress in the medium term.

65. The first priority area is focused on respecting, protecting and fulfilling internationally recognized human rights standards. The first action point identified was to have the "shoot to kill" policy at the borders revoked. Eritrea has consistently denied the

[33] UNDP, "Health Millennium Development Goals report: innovations driving health MDGs in Eritrea" (September 2014). Available from www.er.undp.org.

[34] See http://mdgs.un.org/unsd/mdg/Host.aspx?Content=indicators/officiallist.htm.

[35] See Millennium Project Task Force on Improving the Lives of Slum Dwellers, *A Home in the City* (UNDP, 2005), p. 3. Available from www.unmillenniumproject.org/documents/Slumdwellers-complete.pdf.

existence of such a policy;[36] however, the Special Rapporteur has interviewed former military personnel posted at the border who confirmed its existence.[37] While the policy might have been relaxed over the past two years, the Special Rapporteur learned that 13 children (7 boys and 6 girls) were reportedly shot while trying to cross the border into a neighbouring country on board a pick-up truck in September 2014.

66. One action point under the first priority area concentrates on the release of all prisoners detained without charge or trial, including those detained because of their political or religious beliefs. The Special Rapporteur was indeed encouraged when Eritrean authorities released eight detainees in April 2014[38] and six journalists in January 2015. However, in the meantime, she received several communications, documented cases and conducted interviews relating to the arbitrary arrest and detention of scores of soldiers and members of their immediate family, as well as more distant relatives, in the aftermath of the "Forto incident" of 21 January 2013.[39] All of this begs the question: for those few who have been released, how many more have been put or remain in jail incommunicado?[40] Further action points under this priority area were to strengthen democratic governance institutions, guarantee the independence and impartiality of the justice system to combat impunity, and take legislative, administrative, institutional and practical measures to give effect to the rule of law. The Special Rapporteur welcomes the entry into force of the different codes, as mentioned above.

67. Further action points relate to putting a stop to torture, cruel, inhuman and degrading treatment and ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Special Rapporteur congratulated the Government of Eritrea for its accession to the Convention in September 2014. While considering this accession as an indication of the willingness of Eritrea to comply with the prohibition of torture under international law, the Special Rapporteur was looking forward to seeing the State implement the Convention by taking the required effective legislative, administrative, judicial and other measures to prevent acts of torture in the country. She would like clarification from the authorities as to whether the Criminal Code that has just come into force provides for the criminalization of torture in accordance with the stipulations of the Convention.

68. Regretfully, Eritrea has not accepted the inquiry procedure under article 20 of the Convention against Torture, which provides for an investigation when the Committee against Torture obtains reliable information containing well-founded indications that torture is being systematically practised in the territory of a State party. Article 20 (3) stipulates that such an inquiry may include a visit to the State party's territory. The Special Rapporteur would like to urge Eritrea to accept the inquiry procedure and to remove the reservation it entered on accession to that effect. Additionally, she encourages Eritrea to accede to the Optional Protocol to the Convention against Torture, which, in article 1, provides for a system of regular visits undertaken by independent international and national bodies to places where people are deprived of their liberty, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment. The Special Rapporteur hopes

[36] Conversation with Mr. Asmerom in New York on 29 October 2014.

[37] Interview with a former national service soldier in September 2014.

[38] OHCHR, "UN rights expert calls for further releases in Eritrea", press release, 6 May 2014. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=14568&LangID=E.

[39] Arbitrary arrests and incommunicado detentions were carried out in the aftermath of the attempted coup d'état on 21 January 2013, known as the "Forto incident". Over 50 people, including public figures, were arrested and detained, with no information as to their whereabouts, nor have they appeared before any court of law.

[40] The situation of Mr. Ali Omaro is a case in point (see A/HRC/28/85, p. 14).

that Eritrea will announce that it has attended to these two outstanding steps to reinforce its commitment to eradicate torture when submitting its initial report to the Committee against Torture, due on 25 October 2015. Eritrea should also accede to the International Convention for the Protection of all Persons from Enforced Disappearance, as well as all other remaining human rights treaties.[41]

69. Another action point falling under the first priority area concerns putting an immediate end to the indefinite national service. The Special Rapporteur dealt with this matter in her previous report (A/HRC/26/45), informing the Human Rights Council that the unlimited national service in effect amounted to forced labour. While she has taken note of informal announcements that the twenty-eighth round of national service would last for 18 months, she obtained information that this notice has reportedly not been communicated to the recruits or to their parents. It would appear that the conscripts, their families and the world at large will have to wait 18 months before getting any confirmation as to whether the Government will comply with the 18-month duration of the national service.

70. In the light of the present report and the report of the commission of inquiry (A/HRC/29/42), the Special Rapporteur would suggest the following follow-up action points:

(a) Determine new priority areas and action points, and review outstanding ones to ensure that they respond to the situation on the ground, incorporating elements such as the exodus of people, including unaccompanied children;

(b) Ensure that the mandate is maintained and remains a safe space where information on human rights situation in Eritrea can be channelled;

(c) Follow up on any recommendations deemed appropriate by the commission of inquiry on human rights in Eritrea.

VII. Conclusions and recommendations

A. Conclusions

71. **The Special Rapporteur was encouraged by the signs, although still few, that Eritrea is increasing its engagement with the international community, and welcomed such an outward-looking step as an unequivocal measure by the State to abide fully by its human rights obligations.**

72. **However, she would like to remind Eritrea and the international community that trading human rights for short-term political or economic gains would undermine the long-term enjoyment of all human rights by all in Eritrea. Overtures to**

[41] As at 26 May 2015, pending ratifications include the Optional Protocol to the International Covenant on Civil and Political Rights, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Convention on the Rights of Persons with Disabilities and its Optional Protocol.

engage with Eritrea should give due weight and emphasis to human rights, and continued efforts are required to address the root causes of human rights violations in the country.

73. The Special Rapporteur would like to urge the Government of Eritrea to strengthen efforts to increase the participation of all citizens in public life, in order to sustain fruitful and durable change in the human rights landscape. The Government would gain if it accorded priority to making participation open to all and guaranteeing that the human rights of all stakeholders, including women, children and other vulnerable groups, such as minorities, will not be violated in processes of participation. Public participation should be ensured at all levels; in particular, the involvement of those potentially affected by or interested in a decision should be sought and facilitated in such a way that their participation is valued and can have an impact. Those affected by a decision have a right to be involved in the decision-making process, and not only at the implementation phase; additionally, participation should be voluntary, with no element of coercion. When people participate and express their views, their right to freedom of expression should be respected, without fear of reprisals.

74. With regard to the forced evictions, deprivation of shelter can have drastic impacts on individuals, families and communities, leading to the denial of multiple rights in addition to the right to housing, and to obstacles in the achievement of the Millennium Development Goals. While asserting that evictions should be the exception rather than the rule, the Special Rapporteur urges the Government of Eritrea to abide by its human rights obligations by prioritizing the requirement to engage in consultation with those facing eviction with a view to exploring alternatives, should evictions be inevitable.

B. Recommendations

75. The bulk of the recommendations made by the Special Rapporteur in her two previous reports remain valid,[42] as Eritrea has implemented only two of them, namely those urging Eritrea to ratify the Convention against Torture and to seek technical assistance from the Office of the United Nations High Commissioner for Human Rights. She therefore reiterates the recommendations in her two previous reports. In addition, she would like to make the recommendations below.

1. Right to adequate housing and protection from forced evictions

76. The Government of Eritrea should:

(a) Put an immediate stop to the practice of forced evictions and demolition of houses by agreeing to a moratorium, to be maintained until the Government sets up an independent mechanism to assess the reasonableness and legality of any eviction, bearing in mind international human rights law and practice in this field;

(b) Ensure that existing legislation and policies are aligned adequately with international law to prohibit forced evictions, and adopt legal provisions against forced evictions in conformity with international law and the relevant general comments of the Committee on Economic, Social and Cultural Rights;

[42] See A/HRC/23/53, paras. 107–108 and A/HRC/26/45, paras. 103–105.

(c) Fulfil human rights treaty obligations that provide security of tenure to occupants of homes and land and that strictly limit the circumstances under which evictions may be effected;

(d) Prioritize the provision of social housing by expanding the low-cost housing supply to match the huge unmet demand for such housing;

(e) Ensure that public order officials, including the military and the police, receive appropriate professional training for carrying out their public security duties, especially in relation to the use of force and firearms. Review rules of engagement to ensure their compliance with international law enforcement standards, such as the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms;

(f) Investigate and prosecute public order officials, including the military and the police, responsible for killings, violence, unlawful arrests and arbitrary destruction of personal property during evictions. This includes investigating the loss of life during the Adi Keyh evictions and bringing perpetrators to justice;

(g) Ensure that future evictions, when necessary and justified, are reasonable and proportional and proceed only following authorization after an open, fair and transparent public participatory process with reasonable notice for all affected persons. Such a process should: include the determination of an objective and justified need for the eviction; ensure genuine consultation with the affected communities and individuals; limit the disruption in the daily lives of affected persons (for example, avoiding evictions during the school year, which would interrupt a child's exercise of his or her right to education); provide affected parties with a say in the process, which should include an assessment of alternative measures to the eviction; provide legal remedies; and give special consideration to persons in situations of vulnerability, such as women, children, the elderly, persons with disabilities and children in child-headed households;

(h) Uphold the rights to the freedoms of expression, assembly and association of all those affected by any proposed eviction. All affected persons and their supporters should be able to exercise their right to speak out publicly on evictions, the legal framework and any other matter of concern to them;

(i) Bear in mind the disparate impact that forced evictions have on women and, given the experiences of violence during such actions, show sensitivity to the gendered effects of forced evictions, while guaranteeing security of tenure for women, especially in the context of access to adequate housing.

2. Legislative and other measures

77. **The Government of Eritrea should:**

(a) Remove its reservations to article 20 of the Convention against Torture and accept the inquiry procedure, empowering the Committee to conduct in-country investigations and fact-finding missions;

(b) Submit its initial report to the Committee against Torture by the established deadline of 25 October 2015;

(c) Ratify the Optional Protocol to the Convention against Torture and establish a supervisory body and independent mechanism for the prevention of torture in the context of the ratification of that protocol;

(d) Harmonize national legislation with the provisions of the Convention against Torture and ensure that torture is criminalized and recognized as a non-derogable human right;

(e) Monitor and implement all the recommendations made by human rights mechanisms, including those contained in the concluding observations of the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child and those made by the Special Rapporteur and the commission of inquiry on human rights in Eritrea, and disseminate those recommendations in the main local languages publicly and widely.

78. **The international community should:**

(a) Provide the Government of Eritrea with assistance to enhance its ability to meet its social housing needs though targeted programmes;

(b) Continue unfailingly to ask questions about the root causes of egregious human rights violations in Eritrea;

(c) Seek tangible results to improve the human rights landscape in Eritrea and not be satisfied with vague promises;

(d) Press for the release of the members of the G-15 group and the journalists arrested in 2001 and all other political prisoners, including Mr. Ali Omaro;

(e) Promote legitimate channels of migration from Eritrea so as to reduce clandestine channels and promote inter-State cooperation to counter human smuggling and trafficking;

(f) Develop detection and follow-up mechanisms to identify and protect unaccompanied migrant children;

(g) Provide immediate care and protection to child victims of trafficking, including protection from secondary victimization, which can result from administrative and other proceedings, in view of their vulnerability;

(h) Ensure that protection from human rights violations and a victim-oriented approach is at the heart of any anti-trafficking operations and that such operations are tempered with humanity.